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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,488	01/16/2004	John K. Junkers	2878	7664

7590 01/06/2006  
Striker, Striker & Stenby  
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Huntington, NY 11743

EXAMINER

MITCHELL, KATHERINE W

ART UNIT PAPER NUMBER

3677

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/759,488

Applicant(s)

JUNKERS, JOHN K.

Examiner

Katherine W. Mitchell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/23/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Note that the examiner of the action has changed.

#### ***Allowable Subject Matter***

2. The indicated allowability of claims 30-58 is withdrawn in view of the newly discovered reference(s) to Campbell USP 5749691. Rejections based on the newly cited reference(s) follow.

#### ***Information Disclosure Statement***

3. There is an apparent typing error on page 1 of the IDS submitted 8/23/2005. Applicant lists "2003/018045 A1" dated 10/02/2003 to Junkers, but there was not Patent Application Publication (USPAP) with that number. However, applicant has clearly attempted a full and complete disclosure and examiner was able to find a USPAP to the same inventor on the same date with a similar number, "2003/0183045 A1" dated 10/02/2003 to Junkers, which examiner assumes is what applicant intended.
4. Since applicant has displayed professionalism and clear intentions to provide correct and full disclosure, examiner is citing the USPAP found, "2003/0183045 A1" dated 10/02/2003 to Junkers, on the attached PTO-892. If this is the document applicant intended to disclose, no additional submission or fee is needed and the USPAP will be cited on the front of any issuing patent.

#### ***Specification***

5. The abstract of the disclosure is objected to because it is over 150 words. Also, non-elected inventions should be deleted. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 40 and 43 and 46, 49, and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 40 depends on claim 30, which has the body comprising the at least one inner segment. However, dependent claim 40 requires a spring located between said body and said inner segment, but if the inner segment is part of the body, this makes no sense and is impossible. Similarly, claims 46, 49, 52, require the body to be distinct from and not include the inner segment.

8. Claim 43 is missing something - "wherein said is formed...". Said what?  
Examiner assumes --said means--.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

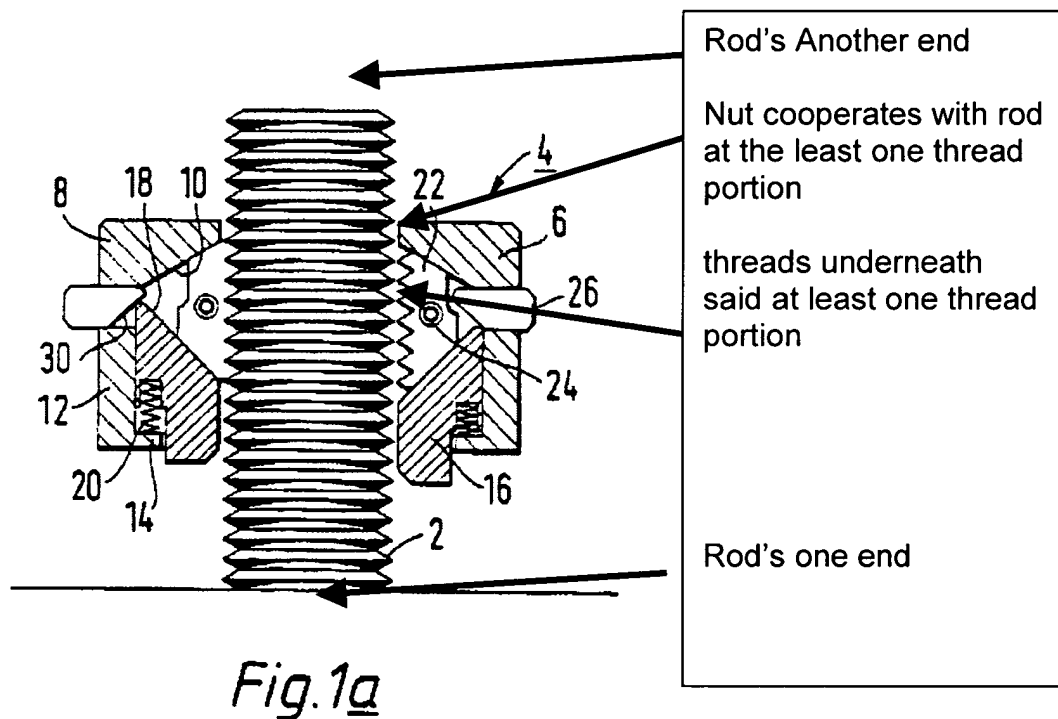
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 30-45,47-48,50-51, 53-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell USP 5749691.

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Re claim 30: Campbell teaches a fastener 4 comprising a rod 2 a nut engaging at least one thread portion of the rod (nut is considered 6,8,12, col 3 lines 16-21 -note as in Fig1A below that the nut cooperates at the top as drawn - see examiner's notation). Primary ring member 16 with four segments 22 and spring 20 is considered the washer (col 3 lines 22-3). Segments 22 are considered the at least one inner segment, and they cooperate with said rod.



The washer body is arranged to enhance cooperation of said inner segment and another end of said rod underneath said at least one thread portion (taper of 16 and spring 20 push 22 into threads) such that friction is enhanced between said segment and said rod. The washer has an axis and first outer surface that cooperates with the nut threadingly connected with the rod (note that it is an outer surface with respect to (wrt) the washer, and was outer until inserted into nut 6/8/12), and second outer surface

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located on opposite axial side and adapted to cooperate with the object. The washer has at least one inner surface adapted to cooperate with at least one inner segment (tapered surface 18 where 22 meets 16 - col 3 lines 35-42) so that when a tool is applied and the nut is turned, the inner segment stops the rod from turning as described.

Re claims 31-32: Note that the 4 inner segments compress or tighten against thread of rod during washer installation, so friction changes as recited.

Re claims 33-35, 39-40: There is a means for creating friction as recited, said means including at least one movable member 16 extending past a contour of the washer body -- 16 extends past a contour of the body. This member 16 will decrease contact between inner segment 22 and other end of rod when the washer is placed on or off the rod. Means includes a spring 20 located between the (nut?? Assumed) body and the inner segment.

Re claims 36-38: The movable member extends over said first outer surface of said body (it forms the outer surface so it inherently extends over the outer surface). It is pushed toward the inner segment when a holding force is applied.

Re claim 41: Button 26 is considered the obstacle.

Re claim 42: The inner segment cannot move freely axially.

Re claim 43-44: Said means is formed so that friction increases as the rod elongates and friction decreases as rod relaxes -- col 1-2 describe the actions.

Re claim 45: Said means includes a switch - button 26 is the switch.

Re claim 47: The inner surface with button 26 pushed in is no longer circular, as it would be at least somewhat oval in cross section wrt the axis.

Re claim 48: At least one inner surface is a wedging surface - see Fig 1A

Re claim 50: The inner segment is spring loaded

Re claim 51,53-55: The means is manually engageable - both the spring and wedge are manually engageable with something. A spring provides friction between the wedge and the inner segment and the spring pushes the inner segment into the other end of rod to wedge said segment in the other end of rod (fig 1A)

Re claim 56: The body outer surface can have force applied by a tool that turns the nut.

11. Claims 30-38,41-49, and 51-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Junkers EP 1318316. Junkers teaches a fastener comprising a rod 1, a nut 3 engaging at least one thread portion of the rod (Figs). 7" is considered the at least one inner segment, cooperating with said rod.

The washer body 6,7 is arranged to enhance cooperation of said inner segment and another end of said rod underneath said at least one thread portion at 10,11 such that friction is enhanced between said segment and said rod. The washer has an axis and first outer surface 8 that cooperates with the nut threadingly connected with the rod and second outer surface 9 located on opposite axial side and adapted to cooperate with the object. The washer has at least one inner surface 7' adapted to cooperate with at least one inner segment 7" so that when a tool is applied and the nut is turned, the inner segment stops the rod from turning as described.

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Re claims 31-38,41-49, and 51-58: Paragraphs [0020 - 0031] teach the features as recited. Note 0031 has different frictional coefficients on washer surfaces, pins 15 and keys 13 to permit axial, not radial movement of inner segment 7''wrt inner surface 7'. 0027 teaches shapes other than round or oval. Fig 4c teaches projection pins 16 and Fig 5a teaches gears 17 engaging parts 7'' and 7'. Squeezing an inclined surface to increase friction is taught in 0026-0028

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Michel FR 2739650. Michel teaches washers to have opposed faces with different coefficients of friction, such that the "rougher" face is considered the friction face. Since there is only one single piece of PTFE forming the washer, and one face is smooth, the other face with a higher coefficient of friction must have been deliberately roughened and frictionally enhanced. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Campbell and Michel before him at the time the invention was made, to modify Campbell as taught by Michel to include washer faces with different coefficients of friction, in order to obtain a washer that helps tighten and tension a bolt. One would have been motivated to make such a



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combination because a stronger and more secure fastener and fastening would be possible.

***Allowable Subject Matter***

14. Examiner is withholding an opinion on allowability of claims 40, 46, 49 and 52 until they are not contradictory to their independent claim and can be properly searched.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

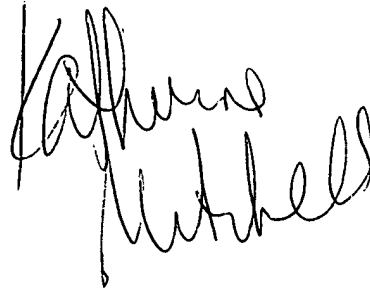
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Katherine W Mitchell  
Primary Examiner  
Art Unit 3677

Kwm  
12/23/2005

A handwritten signature in black ink, appearing to read "Katherine W Mitchell". The signature is written in a cursive, flowing style with some overlapping letters.